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BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF
WHITE WING RANCH NORTH, LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES 40-360.03 AND 40-360.06, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF THE WHITE WING
GEN-TIE PROJECT, AN APPROXIMATELY
3.5 MILE GEN-TIE TRANSMISSION LINE
AND ASSOCIATED SUBSTATION
FACILITIES INTERCONNECTING TO THE
EXISTING HOODOO WASH SUBSTATION
APPROXIMATELY 10 MILES NORTH AND 3
MILES EAST OF DATELAND, YUMA
COUNTY, ARIZONA.

Docket No. L-00000ZZ-16-0269-
00172

Case No. 172

PROCEDURAL ORDER

Arizona Corporation Commission

DOCKETED

AUG 08 2016

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AZ CORP COMMISSION
DOCKET CONTROL

An Application for a Certificate of Environmental Compatibility ("Application") was filed in the above captioned matter with Docket Control of the Arizona Corporation Commission ("Commission") on August 1, 2016. A copy of the Application was transmitted to Thomas K. Chenal, designee of the Attorney General of Arizona, Mark Brnovich, as Chairman ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order.

IT IS ORDERED:

1. The Applicant and all potential parties ("person" within the meaning of A.R.S. § 40-360(8) who intends to intervene or requests to intervene, pursuant to A.R.S. § 40-360.05(A)) (hereinafter "potential parties"), shall advise the Chairman in writing on or before the time of the pre-hearing conference, scheduled below, if they

1 disagree that the time limit for decision on the Application by the Line Siting
2 Committee set by A.R.S. § 40.360.04(D) is January 28, 2017.

3 **2.** All parties or potential parties listed on pleadings or procedural orders
4 filed by the Applicant or the Chairman shall notify Docket Control of their desire to
5 receive pleadings and procedural orders in this matter and shall regularly review the
6 Docket Control file in this matter to make sure they have received all pleadings and
7 procedural orders relating to this case. Neither the Line Siting Committee nor the
8 Chairman has the authority to direct Docket Control to send one of the 25 copies of
9 pleadings and procedural orders filed with Docket Control to prospective parties.

10 **3.** The Applicant shall arrange for the timely publication and posting of
11 notice of the hearing, in a form approved by the Chairman, at locations discussed and
12 agreed to by the Applicant at the pre-filing conference held on July 28, 2016. The
13 Applicant shall provide notice by certified mail to Yuma County, and any other
14 affected jurisdiction within the meaning of A.R.S. § 40-360.04(A), at least twenty days
15 before the hearing scheduled below. In addition, at the hearing the Applicant shall
16 submit a copy of the notice and present testimony describing the publication,
17 providing of notice, and posting of the notice.

18 **4.** The Applicant shall make arrangements for the hearing to commence in
19 Yuma, Arizona. The hearing in Yuma, Arizona will be held at the Hampton Inn &
20 Suites Yuma, 1600 East 16th Street, Yuma, Arizona, 85365, on Monday, September
21 12, 2016 beginning at 9:30 a.m., and will continue as necessary on Tuesday,
22 September 13, 2016. If a tour is taken, it will begin on Monday, September 12, 2016,
23 at 1:30 p.m. or an alternative date and time set by the Chairman. Public comment
24 may be taken during the hearing at times designated by the Chairman. Unless later
25 ordered by the Chairman, the hearing will adjourn at approximately 5:00 p.m. each
26 day.

27 **5.** The Applicant shall contact the appropriate member of the staff of the
28 Commission, and advise them of the Applicant's position concerning reimbursement

1 of the Line Siting Fund should the expenses of the hearing exceed the application
2 fee, and discuss financial arrangements regarding hotel reservations and other
3 expenses of the Line Siting Committee Members. A.R.S. § 40-360.10. The Applicant
4 shall advise the Chairman of the results of these discussions so that the necessary
5 information may be communicated to the Line Siting Committee Members.

6 **6.** The Applicant shall provide a copy of this Order to all other parties and
7 potential parties who have not already received a copy.

8 **7.** The Applicant and all other parties and potential parties shall meet and
9 confer prior to the beginning of the hearing, to determine whether any of the parties or
10 potential parties have similar interests in the application process that will allow them
11 to jointly present testimony on direct or cross-examination of witnesses, or to jointly
12 offer exhibits into evidence. The Applicant shall, and any other party or potential party
13 may, report to the Chairman the results of their attempts to resolve the issues and to
14 determine if common interests exist that will allow parties to jointly present evidence
15 and argument or to avoid repetition of testimony and argument at the hearing.

16 **8.** The Applicant and all other parties and potential parties shall meet and
17 confer as needed before, during, and after the hearing to attempt to resolve any
18 disputes amongst the parties. The parties and potential parties shall also keep all
19 other parties and potential parties advised of their positions and intentions with regard
20 to the presentation of evidence, witnesses, and the application process in general to
21 avoid delay, the presentation of repetitive evidence, and any unfair advantage from
22 surprise.

23 **9.** Parties and potential parties shall not communicate with any Member of
24 the Line Siting Committee about any procedural matters, or any factual issues or legal
25 issues relating to the Application, while the Application is pending before the Line
26 Siting Committee. The only exception is that parties may communicate with the
27 Chairman during the time the Application is pending about procedural matters relating
28 to the Application, preparation of the notice of hearing and its publication, the agenda

1 for the hearing, any pre-hearing conferences, the hearing on the Application, and the
2 decision on the Application by the Line Siting Committee. Communication by the
3 parties with the Chairman about any procedural matter during the time an Application
4 is pending shall be in writing or, if oral, shall be memorialized by an e-mail or other
5 written summary with a copy of the written communication or summary to all parties
6 and potential parties, or shall be on the record at pre-filing conferences, at prehearing
7 conferences, or at the hearing on the Application. Any party who initiates any written
8 communication sent to the Chairman, or who summarizes an oral communication with
9 the Chairman on a procedural matter, shall file with Docket Control a copy of the
10 communication or summary, including its distribution list, within 10 days of sending
11 the written communication or making the oral communication.

12 **10.** Parties and potential parties shall not communicate with any
13 Commissioner of the Commission concerning the substantive merits of the
14 Application while the Application is pending before the Line Siting Committee, in
15 accordance with the requirements of A.A.C. R14-3-113.

16 **11.** Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties
17 and potential parties shall serve upon the Chairman as soon as practicable, and at
18 least forty-eight hours before the hearing or meeting described in the agenda, any
19 objections, additions, or corrections to the agenda they believe are necessary in order
20 to bring the agenda into compliance with A.R.S. § 38-431.02. The objections,
21 additions or corrections shall be in writing and shall be served upon all other parties
22 and potential parties. A copy shall be filed with Docket Control. Objections that are not
23 timely raised will be deemed waived.

24 **12.** Service of any pleading, document, or writing upon the Chairman may
25 be made electronically to the e-mail address of the Chairman below. Service of any
26 pleading, document or writing upon parties and potential parties may be made
27 electronically to the e-mail address of the parties and potential parties. Any pleading,
28 document or writing filed with Docket Control shall include the appropriate number of

1 copies as determined by Docket Control.

2 **13.** All parties and potential parties shall file with Docket Control and
3 exchange with all other parties and potential parties brief summaries of the expected
4 direct testimony of each witness they will call. In lieu of a testimonial summary, a party
5 or potential party may file with Docket Control and exchange with all other parties and
6 potential parties all or substantially all of the direct testimony of any witness.
7 Testimonial summaries and direct testimony shall be filed with Docket Control and
8 exchanged with parties and potential parties by 5:00 p.m. of the day before the pre-
9 hearing conference set below. Except for good cause, no witness will be allowed to
10 testify on direct examination concerning issues not reasonably identified in the
11 testimonial summary and direct testimony.

12 **14.** All parties and potential parties shall meet, confer, and exchange all
13 exhibits the party or potential party plans to offer in evidence by 5:00 p.m. of the day
14 before the pre-hearing conference set below. The Applicant shall, and other parties
15 and potential parties may, provide one or more three ring binders for the Chairman
16 and each Member of the Line Siting Committee to hold exhibits at the beginning of the
17 hearing and as needed during the hearing. Each party and potential party shall
18 prepare for the Chairman and each Line Siting Committee Member a numbered list of
19 the exhibits and a copy of all exhibits suitable for placement in the binders that each
20 party and potential party expects to offer in evidence at the hearing. The exhibits shall
21 be provided to the Chairman and each Line Siting Committee Member at the
22 beginning of the hearing and during the hearing before reference to the exhibit is
23 made in the hearing. Except for good cause, no exhibit that was not exchanged with
24 the other parties shall be considered at the hearing. Any exhibit to which reference is
25 made during any hearing that is not offered or admitted into evidence shall be
26 provided to the court reporter at the hearing for inclusion in the record, unless it is
27 withdrawn and the Chairman determines its filing is not necessary to an
28 understanding of the actions of the Line Siting Committee.

1 **15.** All exhibits shall be consecutively numbered, with the Applicant's
2 exhibits denominated: WWR-1, WWR-2, etc. Each intervening party will be assigned
3 by the Chairman a letter or letters of the alphabet as a preface with which to
4 consecutively number its exhibits.

5 **16.** The Applicant may make an opening statement at the beginning of the
6 hearing of no more than thirty (30) minutes. Each other party may make an opening
7 statement of no more than five (5) minutes.

8 **17.** Public comment will be heard after the opening statements and at other
9 times set by the Chairman during the hearing. See ¶ 4 above.

10 **18.** In the event the Chairman determines that a tour or tours of the
11 proposed locations of facilities proposed in the Application is appropriate, the
12 Applicant shall arrange for transportation for Line Siting Committee Members who
13 wish to attend. The Applicant shall submit to the Chairman, before the pre-hearing
14 conference set below, a schedule and protocol agreed to by all parties and potential
15 parties for each tour. If all parties and potential parties do not agree upon the
16 schedule and protocol for each tour, the disagreements shall be submitted to the
17 Chairman for resolution. The protocol shall identify the tour route, identify the location
18 of any stops, and identify any witnesses who will accompany each tour. Counsel may
19 ask brief explanatory questions of the identified witness or witnesses during the stops
20 about the location, what can be seen from the location of the stop and the relevance
21 of the location or view to the Application, at the discretion of the Chairman. All
22 witnesses who testify on each tour shall be sworn before their testimony. All questions
23 and answers shall be before a court reporter. No testimony or discussion with or
24 between Line Siting Committee Members about the merits of the Application will take
25 place, except on the record before a court reporter at the designated stops. The
26 protocol shall provide for access to members of the public to any testimony presented
27 at stops on each tour. Members of the public who wish to observe the tour are
28 encouraged to notify the Applicant or the Chairman in advance of their intention to

1 follow and observe the tour.

2 **19.** Parties may present their witnesses in panels where appropriate. A
3 party or potential party who intends to present witnesses in panels shall identify the
4 members of any panel at the time it files its witness summaries or written testimony.

5 **20.** The Applicant shall make arrangements for the preparation of expedited
6 court reporter transcripts of all pre-filing conferences, all pre-hearing conferences, and
7 the hearing, so that the transcripts are available for public inspection within three
8 working days after each hearing date, as required by A.R.S. §§ 38-431.01(D) and 40-
9 360.04(C). In addition, the Applicant shall file a certification with Docket Control that it
10 has provided a copy of the transcripts to at least two public libraries identified in the
11 certification that are in the vicinity of the proposed route and alternates in the
12 Application.

13 **21.** On or before the pre-hearing conference set below, the Applicant shall,
14 and the other parties and potential parties may, file proposed findings of fact,
15 proposed conclusions of law, the wording of any proposed Certificate of
16 Environmental Compatibility, and the wording of any proposed conditions to the
17 Certificate.

18 **22.** If the beginning of closing arguments and the Line Siting Committee's
19 deliberations are more than one week after the beginning of the hearing, the parties
20 shall meet and confer before closing arguments, concerning proposed findings of fact,
21 proposed conclusions of law, a proposed Certificate of Environmental Compatibility
22 and the wording of any proposed conditions to the Certificate. If the parties are able to
23 agree upon part or all of the proposed findings of fact, proposed conclusions of law,
24 proposed forms of a Certificate of Environmental Compatibility and proposed wording
25 of conditions to the Certificate, all that is agreed upon should be reduced to writing
26 and filed. If the parties are not able to agree completely, the Applicant shall, and all
27 other parties may, file proposed findings of fact, proposed conclusions of law,
28 proposed wording of a Certificate of Environmental Compatibility and proposed

1 wording of conditions to the Certificate on the day before the beginning of closing
2 arguments and the Line Siting Committee's deliberations.

3 **23.** If the Applicant or any other party proposes conditions based upon
4 conditions used in prior cases, each proposed condition from a prior case shall
5 contain the case number of the most recent prior Certificate of Environmental
6 Compatibility using the language approved by the Commission.

7 **24.** All pleadings, witness summaries, written testimony, proposed findings
8 of fact, proposed conclusions of law, proposed Certificates of Environmental
9 Compatibility and proposed conditions of Certificates that must be filed pursuant to
10 this Procedural Order or otherwise by law, shall be filed with Docket Control. Copies
11 of all documents described in this paragraph that are filed with Docket Control shall
12 be served upon the Chairman, the Line Siting Committee, all parties, and all potential
13 parties. Before the hearing, documents may be served upon parties and potential
14 parties electronically to the e-mail address or FAX number provided by the party or
15 potential party. Before the hearing, documents may be served electronically upon the
16 Chairman and the Line Siting Committee, to the e-mail address of the Chairman.
17 Documents that are served during the hearing shall be hand delivered to parties.
18 During the hearing, eleven (11) copies of any filed document shall be delivered to the
19 Chairman for distribution to the Line Siting Committee, and a copy shall be sent
20 electronically to the e-mail address of the Chairman.

21 **25.** If the final wording of the Certificate of Environmental Compatibility that
22 is adopted by the Line Siting Committee at the end of the hearing is in dispute, the
23 Chairman may order the parties to meet and confer in person or electronically to
24 determine if they can agree upon the final wording of a proposed Certificate of
25 Environmental Compatibility. If the parties can agree upon the final wording of a
26 proposed Certificate of Environmental Compatibility, Applicant shall forthwith hand-
27 deliver the agreed-upon proposed Certificate of Environmental Compatibility to the
28 Chairman for signature. If the parties are not able to agree upon a proposed form of

1 Certificate of Environmental Compatibility, the Applicant shall file, and the other
2 parties may file, within ten (10) days after the date of the decision of the Committee,
3 those portions of the proposed Certificate of Environmental Compatibility upon which
4 the parties agree. The Applicant also shall file, and any other party also may file,
5 within 10 days after the date of the decision of the Committee, its understanding of
6 any disputed portions of the proposed Certificate of Environmental Compatibility. All
7 proposed forms of the Certificate of Environmental Compatibility and any objections
8 or proposed revisions shall be filed with Docket Control, and a copy shall be hand
9 delivered to the Chairman at 1275 W. Washington St., Phoenix, Arizona. All other
10 parties shall be served. Objections or suggestions that are not timely filed shall be
11 considered waived.

12 **26.** The copy of the proposed Certificate of Environmental Compatibility filed
13 by the Applicant and any objections or proposed revisions filed by the parties that are
14 served upon the Chairman, shall include an electronic file containing the wording of
15 the proposed language in a format compatible with Microsoft® Word word processing
16 program.

17 **27.** The Applicant and all potential parties shall meet with the Chairman for
18 a pre-hearing conference on Thursday, September 1, 2016, beginning at 10:00 a.m.
19 at the offices of the Attorney General of Arizona at 15 S. 15th Ave., Phoenix, Arizona
20 85007. Parties and potential parties other than the Applicant may appear by
21 telephone with the prior permission of the Chairman. At the final pre-hearing
22 conference, the Chairman shall review with the Applicant and potential parties:

- 23 **a.** The publication and posting of notices of the hearing;
- 24 **b.** The proposed agenda for the hearing;
- 25 **c.** Any notices to intervene, requests to intervene, and applications
26 to make a limited appearance;
- 27 **d.** The status of attempts to narrow the issues at the hearing or to
28 agree to language in the proposed findings of fact, proposed conclusions of law,

1 proposed Certificates of Environmental Compatibility and proposed conditions to the
2 Certificate;

3 e. The status of the filing and exchange of witness summaries or
4 written testimony, proposed findings of fact, proposed conclusions of law, proposed
5 Certificates of Environmental Compatibility and proposed conditions to the Certificate;

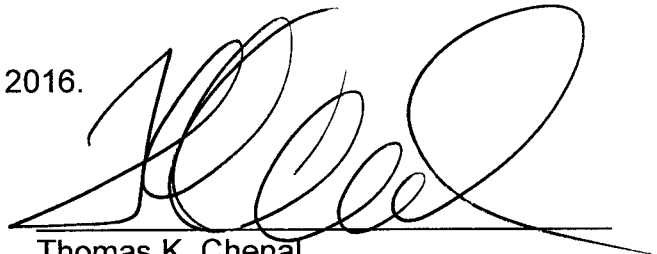
6 f. The status of the exchange of exhibits amongst the parties;

7 g. Any objections, motions, responses, and legal memoranda that
8 have been filed; and

9 h. Plans and preparations for the hearing, public comment session,
10 and tour of the proposed site.

11 **IT IS FURTHER ORDERED**, the Chairman may amend or waive any portion of
12 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
13 conference, or at a hearing.

14 **DATED** this 8th day of August, 2016.



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16
17 Thomas K. Chenal
18 Assistant Attorney General
19 Chairman
20 Arizona Power Plant and
21 Transmission Line Siting Committee
22 1275 W. Washington St
23 Phoenix, Arizona 85007
24 thomas.chenal@azag.gov
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CERTIFICATION OF MAILING

Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 25 copies were filed this **8th** day of August, 2016 with:

Utilities Division – Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COPY of the foregoing mailed this **8th** day of August, 2016 to:

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